



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/828,480 Confirmation No.: 7194
Applicant : John Lair *et al.*
Filed : April 21, 2004
Title : Wireless Headset For Communications Device
TC/Art Unit : 2681
Examiner: Wayne Huu Cai

Docket No. : 64337.000002
Customer No. : 21967

United States Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

RESPONSIVE AMENDMENT UNDER 37 C.F.R. § 1.111
PETITION FOR EXTENSION OF TIME UNDER C.F.R. §1.136(a)

Sir:

INTRODUCTION AND BACKGROUND

The outstanding rejections under 35 U.S.C. § 103 were first introduced in the Final Office Action mailed April 14, 2005 (April Office Action). In their first opportunity to address these rejections, applicants filed a response June 10, 2005, (Prior Response) asserting, *inter alia*, that the secondary considerations, such as evidence of commercial success, demonstrates that the claimed invention was not obvious over the prior art. In support of the Prior Response, applicants submitted declarations of Anthony J. Sutera and D. Scott Miller setting forth the facts supporting the commercial success of the claimed invention. The Office mailed an Advisory Action on July 1, 2005, which did not acknowledge the declarations or address secondary considerations as required to support a rejection under 35 U.S.C. § 103. In a telephone conversation with the Examiner and his supervisor, it was agreed that applicants would file a request for continued examination to have the finality of the Final Office Action withdrawn and the declarations considered. It was also agreed that an interview would be appropriate to discuss the commercial success of the claimed invention. The request for continued examination was